

## CHAPTER XII

### IDENTIFICATION OF O.B.Cs.

#### *OBCs Among Hindu Communities*

12.1 In the last Chapter we described the formulation of eleven indicators or criteria of backwardness on the basis of which socially and educationally backward classes may be identified. We have applied this criteria to the primary tables generated by the computerised survey data in respect of each State. This forms Volume V of this Report. The basis for listing a caste as backward or otherwise has been explained in the last Chapter.

12.2 It may be clarified that the classes, castes or communities identified as backward as a result of this survey belong to Hindu religion only. As the unit of identification in the above survey is caste, and caste is a peculiar feature of Hindu society only, the results of the survey cannot have much validity for non-Hindu communities. Criteria for their identification have been given separately.

12.3 As the acceptance of caste as a unit of identification, the matter has already been discussed exhaustively in Chapter IV and VII of this Report. The Supreme Court has held "...but it must not be forgotten that a caste is also a class of citizens and if the caste as a whole is socially and educationally backward, reservation can be made in favour of such a caste on the ground that it is socially and educationally backward class of citizens within the meaning of article 15(4)."<sup>\*</sup> Further, "...a caste has always been recognised as a class. .... There is no gainsaying the fact that there are numerous castes in this country which are socially and educationally backward."<sup>\*\*</sup> And, "if after collecting the necessary data it is found that the caste as a whole is socially and educationally backward, in our opinion the reservation made of such persons will have to be upheld notwithstanding the fact that a few individuals in that group may be both socially and educationally above the general average."<sup>@</sup> Experts Panel (Chapter XI, para. 11.5) also recognised that the main task before the Commission was to "lay down the criteria for identifying recognisable and persistent collectivities and not individuals." It also observed, "in the Indian context such collectivities can be castes or other hereditary groups...."

12.4 In fact, caste being the basic unit of social organisation of Hindu society, castes are the only readily and clearly "recognisable and persistent collectivities".

12.5 Regarding the Statewise lists of socially and educationally backward castes contained in Volume VI of this Report, the following clarification may be borne in mind. As stated in the last chapter, only two villages and one urban block were selected from each district of the country for socio-educational survey. Whereas the size of this sample was large enough to give us reliable data for the formulation and testing of criteria of socio-educational backwardness, it was not sufficiently comprehensive to cover each and every caste in the country. But for our purpose it was also necessary to give complete lists of socially and educationally backward castes/classes in each State, as in the absence of properly identified O.B.Cs., the recommendations of the Commission would have been only of academic interest.

12.6 In view of the foregoing, the Commission has also applied some other tests like stigmas of low occupation, criminality, nomadism, beggary and untouchability to identify social backwardness. Inadequate representation in public services was taken as another important test.

12.7 Thus, the Commission has adopted a multiple approach for the preparation of comprehensive lists of Other Backward Classes for all the States and Union Territories. The main sources examined for the preparation of these lists were :—

- (i) Socio-educational field survey;
- (ii) Census Report of 1961 (particularly for the identification of primitive tribes, aboriginal tribes; hill tribes, forest tribes and indigenous tribes) ;
- (iii) Personal knowledge gained through extensive touring of the country and receipt of voluminous public evidences as described in Chapter X of this Report; and
- (iv) Lists of OBCs notified by various State Governments.

12.8 It may be pointed out that the use of personal knowledge by the Commission in the aforesaid manner has been upheld by the Supreme Court in *S. V. Balram v. State of Andhra Pradesh*<sup>\*</sup>. In this case the Court referred to the "criticism levelled at the Commission that it had used its personal knowledge for the purpose of characterising a particular group as backward. That, in the circumstances of the case, is inevitable and there is nothing improper or illegal. The very object of the

<sup>\*</sup>A.I.R. 1958, SC 1012

<sup>\*\*</sup>A.I.R. 1971, SC 2303

<sup>@</sup>A.I.R. 1972, SC 1375

<sup>\*</sup>A.I.R. 1972 SC 1375



Commission in touring various areas and visiting the huts and habitations of people is to find out their actual living conditions".

12.9 In this context it may also be stated that in some cases, the findings based on socio-educational field survey happened to be inconsistent with the living social reality. For example, the social status of Kaseri caste in Bihar, Dhobi in Gujarat, Agasa in Karnataka, Kumbhar in Rajasthan, Badager in Tamil Nadu, etc. is known to be very low. Yet these castes scored below 11 points and, thus, qualified for ranking as forward. Such aberrations are bound to occur in any sociological survey which is based on statistical methods owing to lopsidedness of the sample covered. The only corrective to these aberrations is the intimate personal knowledge of local conditions and the use of massive public evidence produced before the Commission. The results of the field survey have been carefully scrutinised and such aberrations rectified as far as possible.

12.10 Whereas the Commission has tried to make the State-wise lists of OBCs as comprehensive as possible, it is quite likely that several synonyms of the castes listed as backward have been left out. Certain castes are known by a number of synonyms which vary from one region to the other and their complete coverage is almost impossible. In view of this the Commission recommends that if a particular caste has been listed as backward then all its synonyms whether mentioned in the State lists or not should also be treated as backward.

#### O.B.Cs. Among Non-Hindu Communities

12.11 There is no doubt that social and educational backwardness among non-Hindu communities is more or less of the same order as among Hindu communities. Though caste system is peculiar to Hindu society yet, in actual practice, it also pervades the non-Hindu communities in India in varying degrees. There are two main reasons for this phenomenon : first, caste system is a great conditioner of the mind and leaves an indelible mark on a person's social consciousness and cultural mores. Consequently, even after conversion, the ex-Hindus carried with them their deeply ingrained ideas of social hierarchy and stratification. This resulted in the Hindu converts inadvertently acting as Trojan horses of caste system among highly egalitarian religions such as Islam, Christianity, Sikhism, etc. Secondly, non-Hindu minorities living in pre-dominantly Hindu India could not escape from its dominant social and cultural influences. Thus, both from within and without, caste amongst non-Hindu communities received continuous sustenance and stimulus.

12.12 "..... Sayyads and Sheikhs are the priestly castes like the Brahmins and the Mughals and Pathans, famous for their chivalry, are equal to the Kshatriyas..... There are occupational castes who are considered lower castes in the hierarchy..... Thus castes are hereditary names based on their occupation and there is basic tendency among them to practice endogamy... They are descendents of the members of the

Hindu clean castes who have been converted to Islam either in groups from different castes or as whole castes".\*

12.13 On the same point Dr. Imtiaz Ahmed observes, "There is a notion of hierarchy among the Muslims, though it is hard to say how far the criterion of the ranking among them can be said to conform to the Hindu model.... It is clear that castes exist as a basis of social relations amongst them (Muslims) but its form has been greatly weakened and modified as it differs from the Hindu model in certain details."@

12.14 Similar is the situation among Indian Christians. "..... Christians in Kerala are divided into various denominations on the basis of beliefs and rituals and into various ethnic groups on the basis of their caste background.... even after conversion, the lower caste converts were continued to be treated as Harijans by all sections of the society including the Syrian Christians, even though with conversion the former ceased to be Harijans and untouchables..... In the presence of rich Syrian Christians the Harijan Christians had to remove their head-dress while speaking with their Syrian Christian masters. They had to keep their mouth closed with a hand.... It was found that the Syrian and Pulaya members of the same Church conduct religious rituals separately in separate buildings.... Thus lower caste converts to a very egalitarian religion like Christianity, ever anxious to expand its membership, even after generations were not able to efface the effect of their caste background."%

12.15 About Sikhs, the Hindu caste model is almost literally replicated and the fact is too well-known to need any elaboration.

12.16 But despite the prevalence of caste system among non-Hindu communities in varying degrees, the fact of the matter is that all these religions are totally egalitarian in their outlook, they proclaim absolute equality of all their co-religionists and any social differentiation based on caste is anathema to them. In view of this, caste cannot be made the basis for identifying socially and educationally backward classes among non-Hindu communities. We, therefore, shall have to evolve some other rough and ready criteria for identifying non-Hindu OBCs.

12.17 On the face of it, the criterion of poverty appears to be the most plausible, but it is full of pitfalls. For instance, even a highly respected and well-educated Sayyad or Syrian Christian may be poor. Thus he will not satisfy the constitutional provision of 'social and educational backwardness'. Secondly, economic criterion is very difficult to apply. A person who is poor today may be well off tomorrow and

\*Caste Among Non-Hindus in India, edited by Dr. Harjinder Singh, National, 1977.

@Caste & Social Stratification among Muslims in India, edited by Dr. Imtiaz Ahmed, Manohar Publications, 1978.

%K.C. Alexander in 'Caste among Non-Hindus in India', edited by Dr. Harjinder Singh.



Formula given for non-Hindu OBCs eg. Muslims, Christians.

vice-versa. Moreover, verification of economic status is very tricky.

- ✓ 12.18 After giving a good deal of thought to these difficulties the Commission has evolved the following rough and ready criteria for identifying non-Hindu OBCs :-

- ✓ (i) All untouchables converted to any non-Hindu religion; and
- ✓ (ii) Such occupational communities which are known by the name of their traditional hereditary occupation and whose Hindu counterparts have been included in the list of Hindu OBCs. (Examples : Dhobi, Teli, Dheemar, Nai, Gujar, Kumhar, Lohar, Darji, Badhai, etc.);

#### Estimated Population of OBCs

12.19 Systematic caste-wise enumeration of population was introduced by the Registrar General of India in 1881 and discontinued in 1931. In view of this, figures of caste-wise population beyond 1931 are not available. But assuming that the *inter se* rate of growth of population of various castes, communities and religious groups over the last half a century has remained more or less the same, it is possible to work out the percentage that all these groups constitute of the total population of the country.

12.20 Working on the above basis the Commission culled out caste/community-wise population figures from the census records of 1931 and, then grouped them into broad caste-clusters and religious groups. These collectivities were subsequently aggregated under five major heads, i.e. (i) Scheduled Castes and Scheduled Tribes; (ii) Non-Hindu Communities, Religious Groups, etc.; (iii) Forward Hindu Castes and Communities; (iv) Backward Hindu Castes and Communities; and (v) Backward Non-Hindu Communities. Results of this exercise are contained in the table and a look at it will indicate the broad classification adopted by the Commission.

12.21 The population of Hindu OBCs could be derived by subtracting from the total population of Hindus, the population of Scheduled Castes, Scheduled Tribes and that of forward Hindu castes and communities and it worked out to 52%. But the same approach could not be adopted in respect of non-Hindu OBCs. Assuming that roughly the proportion of OBCs amongst non-Hindus was of the same order as amongst the Hindus, population of non-Hindu OBCs was also taken as 52% of the actual proportion of their population of 16.16%, or 8.40%. Thus the total population of Hindu and non-Hindu OBCs naturally added up to nearly 52% (43.70% + 8.40%) of the country's population.

12.22 From the foregoing it will be seen that excluding Scheduled Castes and Scheduled Tribes, Other Backward Classes constitute nearly 52% of the Indian population.

#### Percentage Distribution of Indian Population by Caste and Religious Groups

S. No.	Group Name	Percentage of total population
<b>I. Scheduled Castes and Scheduled Tribes*</b>		
A-1	Scheduled Castes . . . . .	15.05
A-2	Scheduled Tribes . . . . .	7.51
	<b>TOTAL of 'A'</b>	<b>22.56</b>
<b>II. Non-Hindu Communities, Religious Groups, etc.</b>		
B-1	Muslims (other than STs) . . . . .	11.19 (0.02)*
B-2	Christians (other than STs) . . . . .	2.16 (0.44)*
B-3	Sikhs (other than SCs & STs) . . . . .	1.67 (0.22)*
B-4	Budhists (other than STs) . . . . .	0.67 (0.03)*
B-5	Jains . . . . .	0.47
	<b>TOTAL of 'B'</b>	<b>16.16</b>
<b>III. Forward Hindu Castes &amp; Communities</b>		
C-1	Brahmins (including Bhumihars)	5.52
C-2	Rajputs . . . . .	3.90
C-3	Marathas . . . . .	2.21
C-4	Jats . . . . .	1.00
C-5	Vaishyas-Bania, etc. . . . .	1.88
C-6	Kayasthas . . . . .	1.07
C-7	Other forward Hindu castes, groups	2.00
	<b>TOTAL of 'C'</b>	<b>17.58</b>
	<b>TOTAL of 'A', 'B' &amp; 'C'</b>	<b>56.30</b>
<b>IV. Backward Hindu Castes &amp; Communities</b>		
D.	Remaining Hindu castes/groups which come in the category of "Other Backward Classes"	43.70@
<b>V. Backward Non-Hindu Communities</b>		
E.	52% of religious groups under Section B may also be treated as OBCs.	8.40
F.	The approximate derived population of Other Backward Classes including non-Hindu Communities	52% (Aggregate of D & E, rounded).

@This is a derived figure.

\*Figures in brackets give the population of S.C.&S.T. among these non-Hindu Communities.



## CHAPTER XIII

### RECOMMENDATIONS

13.1 It may appear that the upliftment of Other Backward Classes is part of the larger national problem of the removal of mass poverty. This is only partially correct. The deprivation of OBCs is a very special case of the larger national issue : here the basic question is that of social and educational backwardness and poverty is only a direct consequence of these two crippling caste-based handicaps. As these handicaps are embedded in our social structure, their removal will require far-reaching structural changes. No less important will be changes in the perception of the problems of OBCs by the ruling classes of the country.

#### *Reservations*

13.2 One such change in the attitude of the ruling elite pertains to the provision of reservation in Government services and educational institutions for the candidates of Other Backward Classes. It is generally argued that looking to the large population of OBCs (52%), recruitment of a few thousand OBCs every year against reserved vacancies is not going to produce any perceptible impact on their general condition. On the other hand, the induction of a large proportion of employees against reserved vacancies will considerably impair the quality and efficiency of the Government services. It is also stated that the benefits of such reservations will be skimmed off by those sections of OBCs which are already well off and the really backward sections will be left high and dry. Another argument advanced against this approach is that the policy of large scale reservations will cause great heart burning to those meritorious candidates whose entry into services will be barred as a result thereof.

13.3 All the above arguments are based on fairly sound reasoning. But these are also the arguments advanced by the ruling elite which is keen on preserving its privileges. Therefore, like all such reasoning, it is based on partisan approach. By the same token, while illuminating some immediate areas of concern it tends to ignore much larger issues of national importance.

13.4 It is not at all our contention that by offering a few thousand jobs to OBC candidates we shall be able to make 52% of the Indian population as forward. But we must recognise that an essential part of the battle against social backwardness is to be fought in the minds of the backward people. In India Government service has always been looked upon as a symbol of prestige and power. By increasing the representation of OBCs in Government services, we give them an immediate feeling of participation in the governance of this country. When a backward class candidate becomes a Collector or a Superintendent of

Police, the material benefits accruing from his position are limited to the members of his family only. But the psychological spin off of this phenomenon is tremendous; the entire community of that backward class candidate feels socially elevated. Even when no tangible benefits flow to the community at large, the feeling that now it has its "own man" in the "corridors of power" acts as morale booster.

13.5 In a democratic set-up every individual and community has a legitimate right and aspiration to participate in ruling this country. Any situation which results in a near-denial of this right to nearly 52% of the country's population needs to be urgently rectified.

13.6 Apprehensions regarding drop in the quality of Government services owing to large scale induction of S.C./S.T. and O.B.C. candidates against reserved posts may be justified only up to a point. But is it possible to maintain that all candidates selected on merit turn out to be honest, efficient, hard-working and dedicated? At present, top echelons of all the Government services are manned predominantly by open competition candidates and if the performance of our bureaucracy is any indication, it has not exactly covered itself with glory. Of course, this does not imply that candidates selected against reserved posts will do better. Chances are that owing to their social and cultural handicaps they may be generally a shade less competent. But, on the other hand, they will have the great advantage of possessing first hand knowledge of the sufferings and problems of the backward sections of society. This is not a small asset for field workers and policy makers even at the highest level.

13.7 It is no doubt true that the major benefits of reservation and other welfare measures for Other Backward Classes will be cornered by the more advanced sections of the backward communities. But is not this a universal phenomenon? All reformist remedies have to contend with a slow recovery along the hierarchical gradient; there are no quantum jumps in social reform. Moreover, human nature being what it is, a "new class" ultimately does emerge even in classless societies. The chief merit of reservation is not that it will introduce egalitarianism amongst OBCs when the rest of the Indian society is seized by all sorts of inequalities. But reservation will certainly erode the hold of higher castes on the services and enable OBCs in general to have a sense of participation in running the affairs of their country.

13.8 It is certainly true that reservation for OBCs will cause a lot of heart burning to others. But should



the mere fact of this heart burning be allowed to operate as a moral veto against social reform. A lot of heart burning was caused to the British when they left India. It burns the hearts of all whites when the black protest against apartheid in South Africa. When the higher castes constituting less than 20% of the country's population subjected the rest to all manner of social injustice, it must have caused a lot of heart burning to the lower castes. But now that the lower castes are asking for a modest share of the national cake of power and prestige, a chorus of alarm is being raised on the plea that this will cause heart burning to the ruling elite. Of all the spacious arguments advanced against reservation for backward classes, there is none which beats this one about 'heart burning' in sheer sophistry.

13.9 In fact the Hindu society has always operated a very rigorous scheme of reservation, which was internalised through caste system. Eklivya lost his thumb and Shambhuk his neck for their breach of caste rules of reservation. The present furore against reservations for OBCs is not aimed at the principle itself, but against the new class of beneficiaries, as they are now clamouring for a share of the opportunities which were all along monopolised by the higher castes.

#### *Quantum and Scheme of Reservations*

13.10 Scheduled Castes and Scheduled Tribes constitute 22.5% of the country's population. Accordingly, a *pro-rata* reservation of 22.5% has been made for them in all services and public sector undertakings under the Central Government. In the States also, reservation for SCs and STs is directly proportional to their population in each State.

13.11 As stated in the last Chapter (para 12.22) the population of OBCs, both Hindu and non-Hindu, is around 52% of the total population of India. Accordingly, 52% of all posts under the Central Government should be reserved for them. But this provision may go against the law laid down in a number of Supreme Court judgements wherein it has been held that the total quantum of reservation under Articles 15(4) and 16(4) of the Constitution should be below 50%. In view of this the proposed reservation for OBCs would have to be pegged at a figure which, when added to 22.5% for SCs and STs, remains below 50%. In view of this legal constraint, the Commission is obliged to recommend a reservation of 27% only, even though their population is almost twice this figure.

13.12 States which have already introduced reservation for OBCs exceeding 27%, will remain unaffected by this recommendation.

13.13 With the above general recommendation regarding the quantum of reservation, the Commission proposes the following over-all scheme of reservation for OBCs :—

- (1) Candidates belonging to OBCs recruited on the basis of merit in an open competition

should not be adjusted against their reservation quota of 27%.

- (2) The above reservation should also be made applicable to promotion quota at all levels.
- (3) Reserved quota remaining unfilled should be carried forward for a period of three years and dereserved thereafter.
- (4) Relaxation in the upper age limit for direct recruitment should be extended to the candidates of OBCs in the same manner as done in the case of SCs and STs.
- (5) A roster system for each category of posts should be adopted by the concerned authorities in the same manner as presently done in respect of SC and ST candidates.

13.14 The above scheme of reservation in its tota should also be made applicable to all recruitment to public sector undertakings both under the Central and State Governments, as also to nationalised banks.

13.15 All private sector undertakings which have received financial assistance from the Government in one form or the other should also be obliged to recruit personnel on the aforesaid basis.

13.16 All universities and affiliated colleges should also be covered by the above scheme of reservation.

13.17 To give proper effect to these recommendations, it is imperative that adequate statutory provisions are made by the Government to amend the existing enactments, rules, procedures, etc. to the extent they are not in consonance with the same.

#### *Educational Concessions*

13.18 Our educational system is elitist in character, results in a high degree of wastage and is least suited to the requirements of an over-populated and developing country. It is a legacy of the British rule which was severely criticised during the independence struggle, and yet, it has not undergone any structural changes. Though it is least suited to the needs of backward classes, yet, they are forced to run the rat-race with others as no options are available to them. As 'educational reform' was not within the terms of reference of this Commission, we are also forced to tread the beaten track and suggest only the palliative measure within the existing framework.

13.19 Various State Governments are giving a number of educational concessions to Other Backward Class students (Chapter IX, paras 9.30—9.33) like exemption of tuition fees, free supply of books and clothes, mid-day meals, special hostel facilities stipends, etc. These concessions are all right as far as they go. But they do not go far enough. What is required is, perhaps, not so much the provision of additional funds as the framing of integrated schemes for creating the proper environment and incentives for serious and purposeful studies.



13.20 It is well known that most backward class children are irregular and indifferent students and their drop-out rate is very high. There are two main reasons for this. First, these children are brought up in a climate of extreme social and cultural deprivation and, consequently, a proper motivation for schooling is generally lacking. Secondly, most of these children come from very poor homes and their parents are forced to press them into doing small chores from a very young age.

13.21 Upgrading the cultural environment is a very slow process. Transferring these children to an artificially upgraded environment is beyond the present resources of the country. In view of this it is recommended that this problem may be tackled on a limited and selective basis on two fronts.

13.22 First, an intensive and time bound programme for adult education should be launched in selected pockets with high concentration of OBC population. This is a basic motivational approach, as only properly motivated parents will take serious interest in educating their children. Secondly, residential schools should be set up in these areas for backward class students to provide a climate specially conducive to serious studies. All facilities in these schools including board and lodging, will have to be provided free of cost to attract students from poor and backward homes, separate Government Hostels for OBC students with the above facilities will be another step in the right direction.

13.23 A beginning on both these fronts will have to be made on a limited scale and selective basis. But the scope of these activities should be expanded as fast as the resources permit. Adult education programme and residential schools started on a selective basis will operate as growing-points of consciousness for the entire community and their multiplier effect is bound to be substantial. Whereas several States are extended a number of *ad hoc* concessions to backward class students, few serious attempts have been made to integrate these facilities into a comprehensive scheme for a qualitative upgradation of educational environment available to OBC students.

13.24 After all, education is the best catalyst of change and educating the backward classes is the surest way to improve their self image and raise their social status. As OBCs cannot afford the high wastage rates of our educational system, it is very important that their education is highly biased in favour of vocational training. After all reservation in services will absorb only a very small percentage of the educated backward classes and the rest should be suitably equipped with vocational skills to enable them to get a return on having invested several years in education.

13.25 It is also obvious that even if all the above facilities are given to OBC students, they will not be able to compete on an equal footing with others in securing admission to technical and professional institutions. In view of this it is recommended that seats should be reserved for OBC students in all scientific, technical and professional institutions run by the Cen-

tral as well as State Governments. This reservation will fall under Article 15(4) of the Constitution and the quantum of reservation should be the same as in the Government services, i.e. 27%. Those States which have already reserved more than 27% seats for OBC students will remain unaffected by this recommendation.

13.26 While implementing the provision for reservation it should also be ensured that the candidates who are admitted against the reserved quota are enabled to derive full benefit of higher studies. It has been generally noticed that these OBC students coming from an impoverished cultural background, are not able to keep abreast with other students. It is, therefore, very essential that special coaching facilities are arranged for all such students in our technical and professional institutions. The concerned authorities should clearly appreciate that their job is not finished once candidates against reserved quota have been admitted to various institutions. In fact the real task starts only after that. Unless adequate follow-up action is taken to give special coaching assistance to these students, not only these young people will feel frustrated and humiliated but the country will also be landed with ill-equipped and sub-standard engineers, doctors and other professionals.

#### Financial Assistance

13.27 Vocational communities following hereditary occupations have suffered heavily as a result of industrialisation. Mechanical production and introduction of synthetic materials has robbed the village potter, oil crusher, black-smith, carpenter, etc. of their traditional means of livelihood and the pauperisation of these classes is a well known phenomenon in the country-side.

13.28 It has, therefore become very necessary that suitable institutional finance and technical assistance is made available to such members of village vocational communities who want to set up small scale industries on their own. Similar assistance should also be provided to those promising OBC candidates who have obtained special vocational training.

13.29 Of course, most State Governments have created various financial and technical agencies for the promotion of small and medium scale industries. But it is well known that only the more influential members of the community are able to derive benefits from these agencies. In view of this, it is very essential that separate financial institutions for providing financial and technical assistance are established for the backward classes. Some State Governments like Karnataka and Andhra Pradesh have already set up separate financial corporations etc. for OBCs.

13.30 Cooperative Societies of occupational groups will also help a lot. But due care should be taken that all the office-bearers and members of such societies belong to the concerned hereditary occupational groups and outsiders are not allowed to exploit them by infiltrating into such cooperatives.

13.31 The share of OBCs in the industrial and business life of the country is negligible and this partly explains their extremely low income levels. As a part



of its overall strategy to uplift the backward classes, it is imperative that all State Governments are suitably advised and encouraged to create a separate network of financial and technical institutions to foster business and industrial enterprise among OBCs.

### *Structural Changes*

13.32 Reservations in Government employment and educational institutions, as also all possible financial assistance will remain mere palliatives unless the problem of backwardness is tackled at its root. Bulk of the small land-holders, tenants, agricultural labour, impoverished village artisans, unskilled workers, etc. belong to Scheduled Castes, Scheduled Tribes and Other Backward Classes. "Apart from social traditions, the dominance by the top peasantry is exercised through recourse to informal bondage which arises mainly through money-lending, leasing out of small bits of land and providing house-sites and dwelling space to poor peasants. As most of the functionaries of Government are drawn from the top peasantry, the class and caste linkage between the functionaries of Government and the top peasantry remain firm. This also tilts the socio-political balance in favour of the top peasantry and helps it in having its dominance over others."\*

13.33 The net outcome of the above situation is that notwithstanding their numerical preponderance, backward classes continue to remain in mental and material bondage of the higher castes and rich peasantry. Consequently, despite constituting nearly 3/4th of the country's population, Scheduled Castes, Scheduled Tribes and Other Backward Classes have been able to acquire a very limited political clout, even though adult franchise was introduced more than three decades back. Through their literal monopoly of means of production the higher castes are able to manipulate and coerce the backward classes into acting against their own interests. In view of this, until the stranglehold of the existing production relations is broken through radical land reforms, the abject dependence of under privileged classes on the dominant higher castes will continue indefinitely. In fact there is already a sizeable volume of legislation on the statute books to abolish zamindari, place ceilings on land holdings and distribute land to the landless. But in actual practice its implementation has been halting, half-hearted and superficial. The States like Karnataka, Kerala and West Bengal which have gone about the job more earnestly have not only succeeded in materially helping the Backward classes, but also reaped rich political dividends into the bargain.

13.34 It is the Commission's firm conviction that a radical transformation of the existing production relations is the most important single step that can be taken for the welfare and upliftment of all backward classes. Even if this is not possible in the industrial sector for various reasons, in the agricultural sector a change of this nature is both feasible and overdue.

13.35 The Commission, therefore, strongly recommends that all the State Governments should be

directed to enact and implement progressive land legislation so as to effect basic structural changes in the existing production relations in the countryside.

13.36 At present surplus land is being allotted to SCs and STs. A part of the surplus land becoming available in future as a result of the operation of land ceiling laws etc. should also be allotted to the OBC landless labour.

### *Miscellaneous*

13.37 (1) Certain sections of some occupational communities like Fishermen, Banjaras, Bansloras, Khatwas etc. still suffer from the stigma of untouchability in some parts of the country. They have been listed as O.B.Cs. by the Commission, but their inclusion in the lists of Scheduled Castes/Scheduled Tribes may be considered by the Government.

(2) 'Backward Classes Development Corporations should be set up both at the Central and State levels to implement various socio-educational and economic measures for their advancement.

(3) A separate Ministry/Department for O.B.Cs. at the Centre and the States should be created to safeguard their interests.

(4) With a view to giving better representation to certain very backward sections of O.B.Cs. like the Gaddis in Himachal Pradesh, Neo-Buddhists in Maharashtra, Fishermen in the Coastal areas, Gujjars in J&K., it is recommended that areas of their concentration may be carved out into separate constituencies at the time of delimitation.

### *Central Assistance*

13.38 At present no Central Assistance is available to any State Government for implementing any welfare measures for Other Backward Classes. The 18 States and Union Territories which have undertaken such measures have to provide funds from their own resources. During the Commission's tours practically every State Government pointed out that unless the Centre is prepared to liberally finance all special schemes for the upliftment of OBCs, it will be beyond the available resources of the States to undertake any worthwhile programme for the benefit of Other Backward Classes.

13.39 The Commission fully shares the views of the State Governments in this matter and strongly recommends that all development programmes specially designed for Other Backward Classes should be financed by the Central Government in the same manner and to the same extent as done in the case of Scheduled Castes and Scheduled Tribes.

13.40 Regarding the period of operation of the Commission's recommendations, the entire scheme should be reviewed after twenty years. We have advisedly suggested this span of one generation, as the raising of social consciousness is a generational progress. Any review at a shorter interval would be rather arbitrary and will not give a fair indication of the impact of our recommendations on the prevailing status and life-styles of O.B.Cs.

\*Rising Middle Peasantry in North India by Pradhan M Prasad, Economic & Political Weekly, Annual Number 1980.



## CHAPTER XIV

### SUMMARY OF THE REPORT

#### *Chapter I—The First Backward Classes Commission*

The First Backward Classes Commission was set up on January 29th, 1953 and it submitted its report on March 31st, 1955. On the basis of criteria evolved by it, the Commission listed 2,399 castes as socially and educationally backward. It recommended various welfare measures for OBCs including reservation in Government services and educational institutions.

The Central Government did not accept the recommendations of the Commission on the ground that it had not applied any objective tests for identifying Backward Classes. Five out of the 11 Members of the Commission had given notes of dissent. The Government felt that the Commission had classified a very large section of the population as backward and if special assistance had to be extended to all these people, "the really needy will be swamped by the multitude". The Government was also opposed to the adoption of caste as one of the criterion for backwardness and preferred the application of economic tests.

As Article 340 of the Constitution speaks of "socially and educationally backward classes", the application of 'economic tests' for their identification seems to be misconceived.

#### *Chapter II—Status of OBCs in Some States*

It is for nearly 100 years that Provincial Governments in India have been implementing special programmes for the welfare of depressed and backward classes. Madras Government took the lead by framing Grant-in-Aid Code in 1885 to regulate financial aid to educational institutions for backward classes students. Mysore State was the next to follow and, by now, all the Southern States are implementing fairly comprehensive programmes for OBCs. As on date 16 States and 2 Union Territories are providing special assistance of varying degrees to Other Backward Classes. Ten State Governments are doing so on the basis of recommendations made by Backward Classes Commission specially set up by them in this behalf and the others are doing in an *ad hoc* manner.

Special concessions like reservation of jobs in Government employment and seats in educational institutions; financial assistance; subsidised educational facilities, etc. are being given by several State Governments to OBCs. Southern States have done much more work in this connection as compared to the rest of the country. Karnataka has reserved 48% of all Government jobs for OBC candidates in

addition to 18% for SCs and STs. In the case of Tamil Nadu, these figures stand 50% and 18% respectively.

#### *Chapter III—Methodology and Data Base*

One serious defect noticed by the Government in the report of first Backward Classes Commission was that it had not formulated any objective criteria for classifying Other Backward Classes. The need for field surveys and formulation of objective tests has also been repeatedly emphasised by the Supreme Court in several cases. In view of this, the Commission has taken special care to tap a number of independent sources for the collection of primary data. Some of the important measures taken in this connection were : seminar of sociologists on social backwardness; issue of three sets of questionnaires to State Governments, Central Government and the public; extensive touring of the country by the Commission, taking evidence of legislators, eminent public men, sociologists, etc.; undertaking a country-wide socio-educational survey; preparation of reports on some important issues by specialised agencies; analysis of census data, etc., etc.

By adopting this multifaceted approach the Commission was able to cast its net far and wide and prepared a very firm and dependable data base for its Report.

#### *Chapter IV—Social Backwardness and Caste*

Castes are the building bricks of the Hindu social structure. They have kept Hindu society divided in a hierarchical order for centuries. This has resulted in a close linkage between the caste ranking of a person and his social, educational and economic status.

This manner of stratification of society gave the higher castes deep-rooted vested interests in the perpetuation of the system. The priestly castes evolved an elaborate and subtle scheme of scripture, ritual and mythology and perpetuate their supremacy and hold the lower castes in bondage for ages. Most of our Shastras uphold the four-fold Varna system and, because of this religious sanction, caste system has lasted longer than most other social institutions based on inequality and inequity.

In view of the permanent stratification of society in hierarchical caste order, members of lower castes have always suffered from discrimination in all walks of life and this has resulted in their social, educational and economic backwardness. In India, therefore,



the low ritual caste status of a person has a direct bearing on his social backwardness.

#### *Chapter V—Social Dynamics of Caste*

Caste system has been able to survive over the centuries because of its inherent resilience and its ability to adjust itself to the ever changing social reality. The traditional view of caste system, as contained in Chapter IV, is based more on Hindu Shastras than the actual state of social reality. Moreover, caste restrictions have loosened considerably as a result of the rule of law introduced by the British, urbanisation, industrialisation, spread of mass education and, above all, the introduction of adult franchise after independence. But all the above changes mark only shift of emphasis and not any material alteration in the basic structure of caste.

It is generally agreed that whereas certain caste taboos have weakened as a result of the above changes, the importance of casteism in Indian politics is on the increase. This perhaps, was inevitable. Caste system provided the political leadership with readymade channels of communication and mobilisation and, in view of this, the importance of caste was bound to increase in Indian politics. As Rajni Kothari has observed, "those in India who complain of 'casteism' in politics are really looking for a sort of politics which has no basis in society."

The pace of social mobility is no doubt increasing and some traditional features of caste system have inevitably weakened. But what caste has lost on the ritual front, it has more than gained on the political front. In view of this it will be unrealistic to assume that the institution of caste will wither away in the foreseeable future.

#### *Chapter VI—Social Justice, Merit and Privilege*

Equality before the law is a basic Fundamental Right guaranteed under Article 14 of the Constitution. But the principle of 'equality' is a double edged weapon. It places the strong and the handicapped on the same footing in the race of life. It is a dictum of social justice that there is equality only among equals. To treat unequals as equals is to perpetuate inequality. The humaneness of a society is determined by the degree of protection it provides to its weaker, handicapped and less gifted members.

'Equality of opportunity' and 'equality of treatment' places the weak and the strong on par and, to that extent, it amounts to denial of social justice. In fact, it is 'equality of results' which is the acid test of society's egalitarian pretensions. In a highly unequal society like ours, it is only by giving special protection and privileges to the under-privileged section of society that we can enable the weak to resist exploitation by the strong.

It was in view of these considerations that our Constitution makers made special provisions under Articles 15(4), 16(4) and 46 etc. to protect the interests of SCs, STs and OBCs. Some people consider provisions like reservation of posts for backward classes, etc., as a violation of their Fundamental

Right and denial of meritorious person's legitimate due. In fact, 'merit' itself is largely a product of favourable environmental privileges and higher rating in an examination does not necessarily reflect higher intrinsic worth of the examinee. Children of socially and educationally backward parents coming from rural background cannot compete on an equal footing with children from well to do homes. In view of this 'merit' and 'equality' should be viewed in proper perspective and the element of privilege should be duly recognised and discounted for when 'unequals' are made to run the same race.

#### *Chapter VII—Social Justice, Constitution and the Law*

The element of conflict between the Fundamental Rights and the Directive Principles of State Policy has been the subject matter of numerous Parliamentary debates and judicial pronouncements. In pursuance of Articles 15(4) and 16(4) a number of State Governments made reservations in Government services and educational institutions for OBCs and several petitions were filed before the High Courts and the Supreme Court against such orders. Gradually a sizeable body of case law has grown on the subject and a gist of it is given below.

Caste is an important factor in the identification of Other Backward Classes among Hindu communities. Backwardness must be both social and educational and not either social or educational. Caste is also a class of citizens and if the caste as a whole is socially and educationally backward, reservation can be made in favour of such a caste on the ground that it is a socially and educationally backward class of citizens within the meaning of Article 15(4). The further division of backward classes into 'backward' and 'most backward' is not warranted by Article 15(4). The aggregate reservation of posts under Article 15(4) should be less than 50%. Objective criteria should be evolved on the basis of field survey, etc., for identifying OBCs.

#### *Chapter VIII—North South Comparison of OBC Welfare*

Southern States have done much more for the welfare of Other Backward Classes than Northern States. Moreover, in the South the whole operation was conducted quite smoothly whereas in the North even modest welfare measures for OBCs have given rise to sharp resistance. The Commission approached Tata Institute of Social Sciences, Bombay, to prepare a comparative study of the 4 States of Tamil Nadu, Karnataka, Bihar and Uttar Pradesh, so as to have better appreciation of this phenomenon.

Tata Institute Study formulated a number of hypotheses in this regard. They are : Reservation scheme had a much longer history in the South; forward castes were more divided among themselves in the South; OBCs were not getting along very well with SCs/STs in the North and thus divided the backward classes movement; backward classes were more politicised in the South; reservation scheme was introduced too suddenly in the North; the capacity of backward classes



to retaliate depends upon their numbers, political consciousness, dominance and perceived lack of alternative opportunities; more rapid expansion of tertiary sector gave opening to forward castes in the South which was not available to the same extent in the North, etc.

Tata Institute Study supports the above hypotheses by citing a number of examples and historical developments in the 4 States under consideration.

#### *Chapter IX—Evidence by Central and State Governments*

Two sets of questionnaires were circulated to all State Governments, Union Territories and Ministries and Departments of Central Government for eliciting information on various aspects of our inquiry. These questionnaires were designed to obtain a comparative picture of status of backward classes in various States, steps taken for their welfare, views of various Government agencies on the question of social and educational backwardness and any useful suggestions regarding the Commission's terms of reference.

Most of the State Governments favoured caste as an important criteria for determining social and educational backwardness. Some States preferred economic criteria and some a combination of caste and means-test. Eighteen State Governments and Union Territories have taken special steps for the welfare of Other Backward Classes, though there is wide variation in the quantum of assistance provided by them. For instance, reservation in Government services for OBCs ranges from 50% in the case of Karnataka and Tamil Nadu and 5% in Punjab and nil in the case of Rajasthan, Orissa, Delhi, etc. Representation of OBCs in local bodies, State Public Service Commissions, High Courts, etc., is also negligible. Social discrimination is still practised against OBCs. There are a number of castes and communities which are treated as untouchables though they have not been included in the list of Scheduled Castes. All the State Governments which have launched programmes for the welfare of backward classes have to fund the same from their own resources as no separate Plan allocation is made by the Centre for this purpose.

Most States have reported loss of employment by village artisans owing to the introduction of machines, change in consumption patterns, etc.

From the information supplied by the Central Government Ministries and Departments it is seen that Other Backward Classes constitute 12.55% of the total number of Government employees, whereas their aggregate population is 52%. Their representation in Class I jobs is only 4.69%, i.e., less than 1/10th of their proportion to the country's total population.

#### *Chapter X—Evidence by the Public*

Nearly 2/3rd of the respondents to our questionnaire for General Public felt that no material changes have taken place in the country's caste structure since Independence. Regarding criterion for identifying backwardness, nearly 3/4th of the respondents favoured

caste. More than 3/4th of the respondents also complained of various disabilities suffered by backward classes and many felt that no concrete steps have been taken to remove them. They wanted job reservation quotas to be enhanced and more educational concessions to be given to the children of OBC. Ameliorative measures suggested for OBCs were: reservation in Government employment and educational institutions; grant of interest free loans, free distribution of agricultural land and house sites; etc.

In their evidence before the Commission, Members of Sixth and Seventh Lok Sabha also expressed views similar to those summarised above. Some MPs warned against malicious propaganda being carried on by vested interests to create conflict between OBCs and SCs and STs. Some stated that the Commission should adopt those criteria for determining backwardness which have been tested before the Courts. They also suggested that the lists of OBCs prepared by State Governments and accepted by the courts should be adopted by the Commission *in toto*.

During the Commission's tour to various States, a large number of representations were received for including particular castes in the list of OBCs. Most of the other respondents expressed similar views on the criteria for identifying backward classes and measures to be taken for their upliftment as already indicated above.

#### *Chapter XI—Socio-Educational Field Survey—Criteria for Backwardness*

A country-wide socio-educational survey covering 405 out of 407 Districts was conducted with the help of Bureau of Economics and Statistics of various states from February to June, 1980. Voluminous data gathered from the Survey was computerised and 31 primary tables were generated from this data in respect of each State and Union Territory. On the basis of these tables, 11 Indicators or Criteria for social and educational backwardness were derived and they were grouped under 3 broad heads, i.e., Social, Educational and Economic. In view of their relative importance, 3 points were assigned to each one of the Social Indicators, 2 to Educational Indicators and 1 to Economic Indicators. This added upto a total score of 22 points. All these 11 indicators were applied to each one of the castes covered by the Survey in each State. Castes obtaining a minimum score of 11 points on this scale were listed as socially and educationally backward.

#### *Chapter XII—Identification of OBCs*

A large number of castes were identified as backward in each State as a result of the Socio-Educational Survey. As this Survey covered only 2 villages and one urban block per District, a large number of Castes were naturally left out. Moreover, in some cases, the size of the sample was so small that the results were not dependable.

In view of this, two supplementary approaches were adopted to prepare complete lists of OBCs for each



State. First, State-wise list of the 11 groups of primitive tribes, exterior castes, criminal tribes, etc. contained in the Registrar General of India's compilation of 1961 were culled and included in the Commission's lists or OBCs. This was done as the social and educational status of these castes and communities was more or less akin to Scheduled Castes and Scheduled Tribes. Secondly, based on the public evidence and personal knowledge of the Members of the Commission, State-wise list of those OBCs were drawn up which could not be covered by the socio-educational survey.

It was as a result of this three pronged approach that State lists of OBCs (Volume-III) were prepared.

From the results of the field survey it was seen that some of the well-known OBCs which were also included in the lists of backward classes notified by various State Governments were not ranked as 'backward' in the survey. This is unavoidable in any sociological survey based on Statistical methods. Such aberrations were corrected in the light of the other field evidence available with the Commission.

The set of eleven Indicators (criteria), being caste-based, could not be applied to non-Hindu communities. In view of this, a separate set of 3 criteria was evolved for the identification of non-Hindu backward communities.

On the basis of the available census data, the population of Hindu and non-Hindu OBCs was estimated to be 52% of the total population of India. This is in addition to the population of Scheduled Castes and Scheduled Tribes which amounts to 22.5%.

### Chapter XIII—Recommendations

Reservation for SCs and STs is in proportion to their population, i.e., 22.5%. But as there is a legal obligation to keep reservations under Articles 15(4) and 16(4) of the Constitution below 50%, the Commission recommends a reservation of 27% for OBCs. This reservation should apply to all Government services as well as technical and professional institutions, both in the Centre and the States.

Special educational facilities designed at upgrading the cultural environment of the students should be created in a phased manner in selected areas containing high concentration of OBCs. Special emphasis should be placed on vocational training. Separate coaching facilities should be provided in technical and professional institutions to OBC students to enable them to catch up with students from open quota.

Special programmes for upgrading the skills of village artisans should be prepared and subsidised loans from financial institutions granted to them for setting up small scale industries. To promote the participation of OBCs in the industrial and business life of the country, a separate net-work of financial and technical institutions should be created by all State Governments.

Under the existing scheme of production-relations, Backward Classes comprising mainly small land holders, tenants, agricultural labour, village artisans, etc., are heavily dependent on the rich peasantry for their sustenance. In view of this, OBCs continue to remain in mental and material bondage of the dominant castes and classes. Unless these production-relations are radically altered through structural changes and progressive land reforms implemented rigorously all over the country, OBCs will never become truly independent. In view of this, highest priority should be given to radical land reforms by all the States.

At present no Central assistance is available to any State for implementing any welfare measures for Other Backward Classes. Several State Governments expressed their helplessness in undertaking more purposeful development programmes for backward classes in view of lack of resources. It is, therefore, recommended that welfare programmes specially designed for OBCs should be financed by the Central Government in the same manner and to the same extent as done in the case of SCs and STs.

Sd/-

(BINDHYESHWARI PRASAD MANDAL)

Sd/-

(R. R. BHOLE)

Sd/-

(DIWAN MOHAN LALL)

Sd/-

(K. SUBRAMANIAM)

Sd/-

(L. R. NAIK)

(Subject to my minute of dissent)